

EXHIBIT D

1 TRANSCRIBED FROM DIGITAL RECORDING

2 IN THE UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF ILLINOIS
4 EASTERN DIVISION

4 COUNTY OF COOK,)
5 Plaintiff,)
6 vs.) No. 14 C 2280
7 BANK OF AMERICA CORPORATION; BANK OF)
8 AMERICA, N.A.; COUNTRYWIDE FINANCIAL)
9 CORPORATION, COUNTRYWIDE HOME LOANS,)
10 INC.; COUNTRYWIDE BANK, FSB;)
11 COUNTRYWIDE WAREHOUSING LENDING, LLC;)
12 BAC HOME LOANS SERVICING, LP; MERRILL)
13 LYNCH & CO., INC.; MERRILL LYNCH)
14 MORTGAGE CAPITAL, INC.; and MERRILL)
15 LYNCH MORTGAGE LENDING, INC.,) Chicago, Illinois
16) March 12, 2020
17 Defendants.) 9:33 A.M.

13 TRANSCRIPT OF PROCEEDINGS - Status
14 BEFORE THE HONORABLE SUNIL R. HARJANI, Magistrate Judge

15 APPEARANCES:

16 For the Plaintiff: MILBERG TADLER PHILLIPS GROSSMAN LLP
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20 BY: MR. ROY SHIMON
21 (Appearing telephonically)

22 TRANSCRIBED BY:

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NOTE: Please notify of correct speaker identification.
FAILURE TO SPEAK DIRECTLY INTO THE MICROPHONE MAKES PORTIONS
UNINTELLIGIBLE.

1 (Proceedings had in open court.)

2 THE CLERK: 14 C 2280, County of Cook versus Bank of
3 America.

4 We have two on the line.

5 THE COURT: That's good.

6 MR. MOTTO: Good morning, your Honor.

7 THE COURT: Good morning.

8 MR. MOTTO: Joe Motto for the defendants.

9 MR. SATTAR: Good morning, your Honor. Umar Sattar
10 for Cook County.

11 THE COURT: Okay. On the phone?

12 MR. SHIMON: Roy Shimon for the plaintiff County of
13 Cook. Good morning, your Honor.

14 THE COURT: Good morning.

15 MR. SHELDON: Good morning, your Honor. Matthew
16 Sheldon for the defendants.

17 THE COURT: Okay. Good morning to all of you.

18 So we're here for status on discovery. I have -- I
19 know I have two motions to compel with respect to the 30(b)(6)
20 topics that I saw the responses came in. I am not prepared to
21 discuss them today. I'll issue a ruling on the papers with
22 respect to that.

23 Can you tell me when your 30(b)(6) deposition was
24 scheduled for, however?

25 MR. SHELDON: Your Honor, this is Matthew Sheldon. I

1 can tell you that in terms of the defendants's depositions of
2 the county, there has already been several 30(b)(6)
3 depositions, and they are scheduled out in time. I think the
4 last one is perhaps scheduled for April 22nd.

5 THE COURT: Uh-huh.

6 MR. SHELDON: And in terms of the county's
7 depositions, 30(b)(6) depositions of the defendants, the first
8 one was yesterday in Los Angeles, which is why I'm appearing by
9 phone because I defended that deposition.

10 THE COURT: Uh-huh.

11 MR. SHELDON: And then there are -- there is another
12 one scheduled next week. And basically additional 30(b)(6)
13 depositions of the defendants scheduled almost every week or
14 sometimes, I think, multiple times a week through the end of
15 April. We have got a lot of depositions going on.

16 THE COURT: Okay. All right. So with respect to that
17 motion, I think I should be able to get your ruling by next
18 week on the papers to help you plan for your depositions. So
19 just wait for that to come, and I'll try to get that out next
20 week.

21 With respect -- so, as I understand it, essentially in
22 discovery both sides are just doing depositions to -- up to the
23 date of the fact discovery close, April 30th, is that right?

24 MR. SHELDON: That's correct, your Honor.

25 THE COURT: Okay. Anything else going on?

1 MR. SHELDON: Your Honor had ordered in response to
2 the last round of motions to compel defendants to produce some
3 additional documents by, I believe, April 16th, on Monday.

4 THE COURT: Uh-huh.

5 MR. SHELDON: And so we're wrapping up that
6 production. And then I believe that will be the final document
7 production in this case.

8 THE COURT: Okay. All right. Very good.

9 I saw the -- I think I saw the settlement letter come
10 in from the plaintiffs. I read it.

11 Can you remind me when the defendants's letter is due?

12 MR. SHELDON: On March 27th, your Honor.

13 THE COURT: March 27.

14 Okay. So I will -- of course won't disclose what was
15 in that letter because it is confidential, but I will say that
16 I thought the plaintiff's letter was a reasonable opening
17 offer. And so I hope that the defendants will respond in kind
18 with their reasonable opening counteroffer. Okay?

19 MR. SHELDON: Understood, your Honor.

20 THE COURT: Okay. All right. So let's do this,
21 you -- all of you are pretty busy with your depositions to make
22 the discovery cutoff, so let's have our next status right after
23 that.

24 So the first week of May, Lynette?

25 MR. SHELDON: Your Honor, would it be possible to do

1 the second week of May? I -- I have a significant birthday for
2 my wife the first week of May, and I -- and I am tentatively
3 planning to be out of town for a few days.

4 THE COURT: That's fine. That is an extremely
5 important thing to make. As a spouse I know. So let's do the
6 second week of May.

7 THE CLERK: May 12th at 9:15.

8 MR. SHELDON: Thank you, your Honor.

9 THE COURT: May 12th at 9:15 A.M.

10 Okay. Thank you very much. And good luck with --

11 MR. SHELDON: Thank you.

12 THE COURT: -- completing all your depositions.

13 Anything else?

14 MR. SHELDON: Your Honor -- just one more thing, your
15 Honor. This is -- this is Matt Sheldon on the phone.

16 THE COURT: Yeah.

17 MR. SHELDON: I just wanted to point out to your Honor
18 that obviously we're very aware of, you know, travel
19 restrictions going on, and we don't know where they are going
20 to go.

21 I had a call with opposing counsel yesterday where we
22 have been talking about any ways to try to kind of piggyback
23 depositions or limit the travel. We're assessing it. And we
24 don't have any kind of request at this time. I just wanted you
25 to know that we're thinking about it because we have got, you

1 know, 12 -- I think over 25 depositions coming up before the
2 end of April that all require travel, I believe, by both sides.

3 THE COURT: Yeah. So I appreciate that concern and
4 that issue. My advice to all of you is that if travel becomes
5 an issue that -- to take videoconference depositions. And if
6 you need me to order it to happen that way, I will order it.
7 But I do think that rather than -- look, I realize that every
8 lawyer would like a crack at the witness live, and I don't
9 blame you. And when I was a practicing attorney I always
10 wanted that too. But we -- you know, things happen and we are
11 in an uncertain situation, and we have no idea when things will
12 clear up in terms of timelines.

13 So because of that I think in this particular
14 circumstance you should offer videoconferencing rather than
15 canceling the deposition. Okay?

16 MR. SHELDON: Understood, your Honor. Thanks for that
17 guidance.

18 THE COURT: Okay.

19 MR. SHIMON: And, your Honor, this is Roy Shimon for
20 the plaintiff.

21 Just one other open issue that we can report that the
22 parties have closed. On February 11th you had ordered the
23 defendants to provide five proposed new counsel for the former
24 employees and for the plaintiff to select one, and I'm
25 reporting that defendants have done so, and we agreed -- we

1 have selected one that we have informed defendant that we
2 believe would be adequate.

3 THE COURT: Okay. All right. Out of curiosity who is
4 this?

5 MR. SHIMON: Eamon Kelly, your Honor, of Sperling &
6 Slater.

7 THE COURT: Okay. All right. Very good.

8 MR. SHIMON: I believe I'm saying that first
9 name -- I'm pronouncing that first name correct -- correctly.

10 THE COURT: Uh-huh. Okay. Anything else from either
11 side? No?

12 Okay. Hearing nothing, I'll see you again in May.
13 Thank you.

14 MR. SHIMON: Thank you.

15 MR. SATTAR: Thank you, Judge.

16 MR. MOTTO: Thank you.

17 (Which concluded the proceedings.)

18 CERTIFICATE

19 I certify that the foregoing is a correct transcript
20 from the digital recording of proceedings in the above-entitled
21 matter to the best of my ability, given the limitation of using
22 a digital-recording system.

23 /s/ **Pamela S. Warren**
24 Official Court Reporter
25 United States District Court
Northern District of Illinois
Eastern Division

March 15, 2020
Date